



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,573	07/13/2001	John Aram Safa	FORR 2275	2842
7812 7590 08/30/2007 SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006			EXAMINER HENNING, MATTHEW T	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/905,573

Applicant(s)

SAFA, JOHN ARAM

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29, 31-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-29, 31-44 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/17/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

1 This action is in response to the communication filed on 7/17/2007.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments filed 7/17/2007 have been fully considered but they are not
5 persuasive.

6 Regarding applicants' argument the decryption routine is not operable during execution
7 of the application..., the examiner does not find the argument persuasive. Fig. 3 of Altberg
8 clearly shows that the checking for missing files and installation of necessary but missing files
9 was performed during execution of the application. Further, this is supported in the description
10 of Fig. 3 in Col. 6 Line 50 – Col. 7 Line 40. Col. 2 Lines 16-20 recite "the present invention
11 achieves this result by, **after the launch of the application**, checking the computer system for
12 the required files that are necessary for the application's execution." As such, the examiner does
13 not find the argument persuasive.

14 Regarding applicants' argument that Altberg uses a separate installer module which is
15 used to install required files before a separate application is executed, the examiner does not find
16 the argument persuasive. Again Col. 2 Lines 16-20 recite "the present invention achieves this
17 result by, **after the launch of the application**, checking the computer system for the required
18 files that are necessary for the application's execution." As previously presented by the
19 examiner, the application performs a check of the necessary files for execution, and installs any
20 which are not present within the system, as can be seen in Col. 7 Lines 7-35. As such, the
21 examiner does not find the argument persuasive.

Art Unit: 2131

1 In response to applicant's argument that the references fail to show certain features of
2 applicant's invention, it is noted that the features upon which applicant relies (i.e., not modifying
3 the host machine in any way) are not recited in the rejected claim(s). Although the claims are
4 interpreted in light of the specification, limitations from the specification are not read into the
5 claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner
6 does not find the argument persuasive.

7 Regarding applicants' argument that Altberg does not replace missing required sub-
8 routines during execution of the application, the examiner does not find the argument persuasive.
9 As pointed out above, Fig. 3 of Altberg clearly shows that the checking for missing files and
10 installation of necessary but missing files was performed during execution of the application.
11 Further, this is supported in the description of Fig. 3 in Col. 6 Line 50 – Col. 7 Line 40. Col. 2
12 Lines 16-20 recite “the present invention achieves this result by, **after the launch of the**
13 **application**, checking the computer system for the required files that are necessary for the
14 application's execution.” As such, the examiner does not find the argument persuasive.

15 The examiner presents the question, that if Altberg “is concerned purely with events
16 which occur before a computer application is executed”, why does Fig. 3 of Altberg and the
17 corresponding text indicate that the application is launched before any missing files are identified
18 and replaced, and the application continues execution once all necessary files are present in the
19 system? The examiner further points out that Altberg specifically states in Col. 3 Lines 1-9 that
20 “[the invention] allows the user to: ... (2) launch a **previously installed application**, where one
21 of the required files have become missing or deleted...and end up with a application that is fully
22 enabled.”

Art Unit: 2131

1 Because the examiner does not find the arguments persuasive, the examiner has
2 maintained the rejections in view of Altberg.

3 All rejections and objections not set forth below have been withdrawn.

4 Claims 1-26, 30, and 45 have been cancelled and claims 27-29, 31-44, and 46-50 have
5 been examined.

6 *Claim Rejections - 35 USC § 102*

7 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
8 basis for the rejections under this section made in this Office action:

9 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
11 in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
12 patent by another filed in the United States before the invention by the applicant for patent, except that an
13 international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
14 subsection of an application filed in the United States only if the international application designated the United
15 States and was published under Article 21(2) of such treaty in the English language.

16
17 Claims 27-28, 32, 35-38, 40, 42-44, 46, and 48-49 are rejected under 35 U.S.C. 102(e) as
18 being anticipated by Altberg et al. (US Patent Number 6,353,928) hereinafter referred to as
19 Altberg.

20 Regarding claim 27, Altberg disclosed a computer readable medium having an executable
21 application recorded thereon (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the
22 executable application comprising a program (See Altberg Fig. 2 Element 205 and Col. 6 Lines
23 41-43), one or more encrypted sub-routines (See Altberg Fig. 2 Element 220 File 1 – File N and
24 Col. 6 Lines 1-3 and Col. 7 Lines 18-20), and a decryption routine (See Altberg Col. 7 Lines 21-
25 25), wherein the program is executed in response to execution of the executable application by a
26 computer system (See Altberg Col. 6 Lines 50-54), the program requires access to the sub-
27 routines during execution (See Altberg Col. 6 Lines 63-65), and the decryption routine is

Art Unit: 2131

1 operable during execution of the application to detect whether a required sub-routine is already
2 available within the computer system (See Altberg Col. 7 Lines 7-10), to cause the program to
3 use the sub-routine within the computer system if already available (See Altberg Col. 7 Lines 26-
4 35), and to decrypt the required encrypted sub-routine into an executable form if the sub-routine
5 is not already available within the computer system (See Altberg Col. 7 Lines 13-25), at least
6 when access to the sub-routine is required by the program (See Altberg Col. 7 Lines 13-25).

7 Regarding claim 37, Altberg disclosed a computer system operable to execute an
8 executable application, the system including: first store means containing computer readable
9 code representing the executable application (See Altberg Fig. 2 Element 205 and Col. 6 Lines
10 41-43); second store means containing computer readable code representing one or more sub-
11 routines (See Altberg Fig. 2 Element 215 and Col. 6 Paragraph 1); loading means operable to
12 load the code of the executable application for execution (See Altberg Col. 6 Lines 50-65), the
13 executable application comprising: a program which requires access to one or more sub-routines
14 during execution (See Altberg Fig. 2 Element 205 and Col. 6 Lines 41-43), the sub-routines
15 required by the program in encrypted form (See Altberg Fig. 2 Element 220 File 1 – File N and
16 Col. 6 Lines 1-3 and Col. 7 Lines 18-20); identifying means operable to identify the sub-routines
17 required by the program during execution thereof (See Altberg Col. 7 Lines 7-10); and second
18 loading means operable during execution of the application to load from the second store means
19 the sub-routines identified by the identifying means (See Altberg Col. 7 Lines 26-35) and to
20 decrypt and load one or more encrypted sub-routines in the event that sub-routines identified by
21 the identifying means are not contained in the second store means (See Altberg Col. 7 Lines 13-
22 25).

Art Unit: 2131

1 Regarding claim 43, Altberg disclosed a method of installing a piece of computer
2 software, comprising: providing an executable application which includes a program, one or
3 more encrypted sub-routines, and a decryption routine operable to decrypt the encrypted sub-
4 routines into an executable form, wherein the program requires access to the sub-routines during
5 execution and the decryption routine decrypts the encrypted sub-routines into an executable form
6 at least when access is required by the program (See the rejection of claim 27 above), installing
7 the executable application (See Altberg Col. 6 Lines 50-52), commencing execution of said
8 program (See Altberg Col. 6 Lines 63-65), operating the decryption routine during execution of
9 the application to decrypt the encrypted copy of the sub-routines (See Altberg Col. 7 Lines 13-
10 25), and installing the decrypted copies of the sub-routines for access by said program (See
11 Altberg Col. 7 Lines 13-25).

12 Regarding claim 49, Altberg disclosed a computer readable medium having an executable
13 application recorded thereon, the executable application comprising a program, one or more
14 encrypted sub-routines, and a decryption routine, wherein the program is executed in response to
15 execution of the executable application, the program requires access to the sub-routines during
16 execution, and the decryption routine is operable during execution of the application of the
17 application to decrypt the encrypted sub-routines into an executable form at least when access to
18 the sub-routines is required by the program (See the rejection of claim 27 above), and wherein
19 the one or more sub-routines are shared sub-routines that may be accessed by a further program
20 when decrypted (See Altberg Col. 7 Paragraph 1).

21 Regarding claims 28, 38, and 44, Altberg disclosed that the decryption routine is
22 executed whenever the program is executed (See Altberg Col. 6 Lines 50-54).

Art Unit: 2131

1 Regarding claims 32, 40, and 46, Altberg disclosed that the decryption routine is operable
2 to discriminate between different versions of a sub-routine and to decrypt an encrypted copy of a
3 sub-routine in the event that the version of the encrypted sub-routine differs from the version of
4 the sub-routine available within the system (See Altberg Abstract).

5 Regarding claims 35, 42, and 48, Altberg disclosed that the encryption and decryption
6 include or consist of compression or decompression techniques (See Altberg Col. 7 Lines 13-25).

7 Regarding claim 36, see the rejection of claim 27 above.

8 ***Claim Rejections - 35 USC § 103***

9 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
10 obviousness rejections set forth in this Office action:

11 *A patent may not be obtained though the invention is not identically disclosed or*
12 *described as set forth in section 102 of this title, if the differences between the subject matter*
13 *sought to be patented and the prior art are such that the subject matter as a whole would have*
14 *been obvious at the time the invention was made to a person having ordinary skill in the art to*
15 *which said subject matter pertains. Patentability shall not be negated by the manner in which*
16 *the invention was made.*
17

18 Claims 29, 31, 39, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over
19 Altberg as applied to claim 27 above, and further in view of Caron et al. (US Patent Number
20 5,586,328), hereinafter referred to as Caron.

21 Altberg disclosed use of shared sub-routines in an application and installation of any
22 shared sub-routines not already available (See the rejection of claim 27 above) but failed to
23 specifically disclose how the shared sub-routines are located during runtime of the program.

24 Caron teaches that during initialization of an application an entry in an address table
25 should be made to identify the location of a sub-routine, the address table being accessible by the

Art Unit: 2131

1 program for locating sub-routines for access when required (See Caron Col. 12 Line 66 – Col. 13
2 Line 27).

3 It would have been obvious to the ordinary person skilled in the art at the time of
4 invention to employ the teachings of Caron in the installation system of Altberg by populating an
5 address table with the locations of the required files. This would have been obvious because the
6 ordinary person skilled in the art would have been motivated to provide a means for the
7 application to located the required files during execution.

8 Claims 33-34, 41, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over
9 Altberg as applied to claim 27 above, and further in view of Shen (US Patent Number
10 6,611,850).

11 Altberg disclosed installation and execution of an application in which missing required
12 files are installed (See Rejection of claim 27 above) but failed to disclose providing an encrypted
13 backup copy of the application to be decrypted and installed in the event that the original
14 application was missing or determined to be corrupt.

15 Shen teaches a method for protecting files by providing a backup encrypted copy of the
16 file which is decrypted in the event that that original file is missing or corrupt (See Shen Col. 3
17 Lines 5-24).

18 It would have been obvious to the ordinary person skilled in the art at the time of
19 invention to employ the teachings of Shen in the installation system of Altberg by creating an
20 encrypted backup file of the application and using the backup to restore the application in the
21 event that the file was found to be missing or corrupt. This would have been obvious because

Art Unit: 2131

the ordinary person skilled in the art would have been motivated to provide protection against accidental deletion of the application, malfunction, or infection by a computer virus.

Conclusion

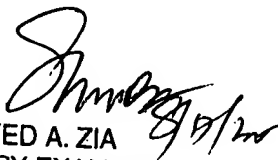
Claims 27-29, 31-44, and 46-50 have been rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew Henning/
Assistant Examiner
Art Unit 2131
8/16/2007


SYED A. ZIA
PRIMARY EXAMINER